

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CRIMINAL NO. 15-51 (DSD/BRT)

United States of America,

Plaintiff,

v.

**ORDER**

Eugene Ryan Boos,

Defendant.

This matter is before the court upon the pro se motion by defendant Eugene Ryan Boos, for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The government opposes the motion. Based on a review of the record, files, and proceedings here, and for the following reasons, the motion is denied.

In 2016, Boos pleaded guilty in federal court to possession with intent to distribute fifty grams or more of methamphetamine and possessing firearms in furtherance of a drug-trafficking crime. The court sentenced him to 171 months' imprisonment to run concurrent to a state sentence for related conduct. Boos is currently in the custody of the Minnesota Department of Corrections. When he completes that sentence, Boos will be transferred to Bureau of Prisons custody to serve the remainder of his federal sentence. After that, he will serve five years of supervised release.

Boos now moves for compassionate release from his federal term of imprisonment under 18 U.S.C. § 3582(c)(1)(A), based on his serious medical conditions. He effectively seeks to have his federal sentence vacated so that he may begin his term of supervised release when he completes his state term of imprisonment.

Before a defendant may seek such relief from a district court, he must have "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or [30 days must have elapsed] from the receipt of such a request by the warden of the defendant's facility." Id. § 3582(c)(1)(A). There is no dispute that Boos has not done so here. Further, relief under § 3582(c)(1)(A) is only available to prisoners who are in federal custody. Until Boos completes his state term of imprisonment and begins serving time in a federal facility, he may not seek relief under federal law. He may, however, request similar relief from the Minnesota Department of Corrections and Minnesota courts in the meantime.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that:

1. The motion for compassionate release [ECF No. 43] is denied without prejudice; and

2. The motion for the appointment of counsel [ECF No. 48] is denied.

Dated: June 27, 2024

s/David S. Doty

David S. Doty, Judge  
United States District Court